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09/551,258	04/18/2000	Jeffrey M. Jahn	00 P 7577 US	1761
7590	06/22/2004		EXAMINER	
Siemens Corporation Intellectual Property Department 186 Wood Avenue South Iselin, NJ 08830			DAMIANO, ANNE L	
			ART UNIT	PAPER NUMBER
			2114	10
			DATE MAILED: 06/22/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,258

Applicant(s)

JAHN ET AL.

Examiner

Anne L Damiano

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on after final rejection filed 5/27/04.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 2-8, 10-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-8, 10-16 and 18-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 April 2000 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. The indicated allowability of claims 2-8, 12-16 and 18-20 is withdrawn in view of the newly discovered reference(s) to Faigon et al. (6,006,016) in view of Wei (6,515,967). Rejections based on the newly cited reference(s) follow.
  
2. The indicated allowability of claims 10 and 11 is withdrawn in view of the newly discovered reference(s) to Faigon et al. (6,006,016). Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Faigon et al. (6,006,016).

As in claim 10, Faigon discloses an apparatus coupled to a distributed communication network for automatically reporting detected network operation faults, comprising:

A fault detector unit arranged to detect the network operation fault;

A fault analyzer (fault correlator) coupled to the fault detector unit arranged to ascertain whether or not the detected network operation fault is a reportable network operation fault (column 2: line 64-column 3: line 3, column 3: lines 50-55); (If the number of occurrences for a matched fault is greater than or equal to occurrence threshold, the fault is reportable.)

An alarm notice generator unit (fault report generator) coupled to the fault analyzer configured to generate a reportable network operation fault (column 2: line 64-column 3: line 3, column 3: lines 56-57);

A fault solution analyzer unit coupled to the alarm notice generator unit arranged to generate a fault solution report based upon a fault analysis (column 1: lines 48-51 and column 3: lines 3-7); (Some fault solution analyzer unit must be present in order to determine the corresponding probably solutions.) and

A display unit arranged to display the alarm notice and the fault solution (column 3: lines 3-7 and column 3: lines 58-62).

As in claim 11, Faigon discloses an apparatus as recited in claim 10, further comprising:

An event logger (fault recorder) coupled to the fault analyzer unit (fault correlator) arranged to record the reportable network operation fault (column 3: lines 58-59 and column 7: lines 44-50).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-8 and 18-20 are rejected under 35 U.S.C. 103(a) as being by unpatentable over Faigon et al (6,006,016) in view of Wei et al. (6,515,967).

As in claim 2, Faigon discloses a method of automatically reporting a detected network fault in a distributed communication network comprising:

Detecting the network fault;

Determining whether or not the detected network fault is a reportable network fault (column 2: line 64-column 3: line 3); (If the number of occurrences for a matched fault is greater than or equal to occurrence threshold, the fault is reportable.)

Generating an alarm report based upon the reportable network fault (column 2: line 64-column 3: line 3);

Distributing the alarm report based upon a distributed list (column 8: lines 17-21);  
(The specified list determines which network management stations to which the fault reports are distributed.)

Generating a solution recommendation based upon the reportable network fault (column 1: lines 48-51 and column 3: lines 3-7).

However, Faigon does not specifically disclose the distributing of the alarm reports happening in real-time. Wei discloses a system for detecting faults in a network and generating fault reports in near real-time (column 2: line 59-column 3: line 6).

It would have been obvious to a person skilled in the art at the time the invention was made to complete Faigon's method in a real-time manner, as taught by Wei. It would have been obvious because Wei teaches that the ability to detect faults in devices as close to real-time as possible is an important feature of monitoring a large network because immediate or near real-time notification of faults is an important priority among network administrators (column 5: lines 1-11). A person skilled in the art would have understood the implementing Faigon's system in real-time would improve the network fault management of the networking system.

As in claim 3, Faigon discloses a method as recited in claim 2, further comprising:  
Logging the reportable network fault to an event logger (column 7: lines 27-41).

As in claim 4, Faigon discloses a method as recited in claim 3, wherein the detecting comprises:

Monitoring the communication network by a monitor device (column 6: lines 36-38 and line 65-column 7: line 1);

Generating a fault signal (trap) by the monitor device when the monitor device detects an out of compliance network event (detection of a certain condition) (column 6: lines 36-38 and line 65-column 7: line 1); (The result of the detection of “certain conditions” is a fault event. It is therefore implied that the “certain condition” is an out of compliance network event.)

Sending the fault signal to a fault detector (Network Monitoring Station) coupled to the monitoring device (column 6: lines 36-38); and

Logging the out of compliance event (fault event) to the event logger (column 7: lines 27-41).

As in claim 5, Faigon discloses the method as recited in claim 4, wherein the determining comprises:

Determining whether or not the out of compliance event is included in a reportable fault list;

Designating the event as the reportable fault when the event is determined to be included in the reportable fault list (column 2: line 64-column 3: line 3 and column 3: lines 50-58). (If the fault events match the fault rules then the fault events are included in the fault rules list. If the criteria match, a fault report is generating since the fault is designated as reportable.)

As in claim 6, Faigon discloses a method as recited in claim 5, wherein the distribution list includes destination addresses associated with the reportable fault (column 8: lines 17-21). (The list specifying the different network management station to communication fault information must include the addresses associated with the different management stations.)

As in claim 7, Faigon discloses a method as recited in claim 6, wherein the distributing comprises:

Determining a fault report recipient based upon the distribution list (column 8: lines 17-21); and

Sending the fault report to the determined fault report recipient by way of a fault report communication device (column 8: lines 15-17). (A report communication device must be present in order for the system to transmit the fault information to the network management stations.)

As in claim 8, Faigon discloses a method as recited in claim 7, wherein the fault communication report device is a display console (display console selected from the group also comprising: a pager, an email server, and a telephone) (column 3: lines 3-7).

Regarding claim 18, Faigon discloses a computer program product for automatically reporting a detected network fault in a distributed communication network comprising:

Computer code for detecting the network fault column;

Computer code for determining whether or not the detected network fault is a reportable network fault 2: line 64-column 3: line 3); (If the number of occurrences for a matched fault is greater than or equal to occurrence threshold, the fault is reportable.);

Computer code for generating an alarm report based upon the reportable network fault (column 2: line 64-column 3: line 3);

Computer code for distributing the alarm report based upon a distribution list (column 8: lines 17-21);

Computer code for generating a solution recommendation based upon the reportable network fault (column 1: lines 48-51 and column 3: lines 3-7); and

Computer readable medium for storing the computer program product (It is inherent that Faigon's system is stored in the form of a computer program product on some compute readable medium.)

However, Faigon does not specifically disclose the distributing of the alarm reports happening in real-time. Wei discloses a system for detecting faults in a network and generating fault reports in near real-time (column 2: line 59-column 3: line 6).

It would have been obvious to a person skilled in the art at the time the invention was made to complete Faigon's method in a real-time manner, as taught by Wei. It would have been obvious because Wei teaches that being able to detect faults in devices as close to real-time as possible is an important feature of monitoring a large network because immediate or near real-time notification of faults is an important priority among network administrators (column 5: lines 1-11). A person skilled in the art would have understood the implementing Faigon's system in real-time would improve the network fault management of the networking system.

Regarding claim 19, computer program product for automatically reporting a detected network fault in a distributed communication network, comprising:

Computer code for detecting the network fault;  
Computer code for determining whether or not the detected network fault is a reportable network fault 2: line 64-column 3: line 3); (If the number of occurrences for a matched fault is greater than or equal to occurrence threshold, the fault is reportable.)

Computer code for generating an alarm report based upon the reportable network fault (column 2: line 64-column 3: line 3);

Computer code for distributing the alarm report based upon a distribution list (column 8: lines 17-21);

Computer code for logging the reportable network fault to an event logger (column 7: lines 27-41); and

Computer readable medium for storing the computer program product. (It is inherent that Faigon's system is stored in the form of a computer program product on some compute readable medium.)

However, Faigon does not specifically disclose the distributing of the alarm reports happening in real-time. Wei discloses a system for detecting faults in a network and generating fault reports in near real-time (column 2: line 59-column 3: line 6).

It would have been obvious to a person skilled in the art at the time the invention was made to complete Faigon's method in a real-time manner, as taught by Wei. It would have been obvious because Wei teaches that being able to detect faults in devices as close to real-time as possible is an important feature of monitoring a large network

because immediate or near real-time notification of faults is an important priority among network administrators (column 5: lines 1-11). A person skilled in the art would have understood the implementing Faigon's system in real-time would improve the network fault management of the networking system.

As in claim 20, Faigon discloses the computer program product as recited in claim 19, wherein the computer code for detecting comprises:

Computer code for monitoring the communication network by a monitor device (column 6: lines 36-38 and line 65-column 7: line 1);

Computer code for generating a fault signal by the monitor device when the monitor device detects an out of compliance network event (detection of a certain condition) (column 6: lines 36-38 and line 65-column 7: line 1); (The result of the detection of "certain conditions" is a fault event. It is therefore implied that the "certain condition" is an out of compliance network event.)

Computer code for sending the fault signal to a fault detector (Network Monitoring Station) coupled to the monitoring device (column 6: lines 36-38); and

Computer code for logging the out of compliance event to the event logger (column 7: lines 27-41).

7. Claim 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigon as applied to claim 11 above and further in view of Wei et al. (6,515,967).

Regarding claim 12, Faigon discloses the apparatus for automatically reporting detected network operation faults above with a display unit being part of a fault report communication device that provides notification of the reportable network operation fault to a user, above. However, Faigon does not specifically disclose the system providing real time notification. Wei discloses a system for detecting faults in a network and generating fault reports in near real-time (column 2: line 59-column 3: line 6).

It would have been obvious to a person skilled in the art at the time the invention was made to complete Faigon's method in a manner to provide real-time notification, as taught by Wei. It would have been obvious because Wei teaches that being able to detect faults in devices as close to real-time as possible is an important feature of monitoring a large network because immediate or near real-time notification of faults is an important priority among network administrators (column 5: lines 1-11). A person skilled in the art would have understood implementing Faigon's system in real-time would improve the network fault management of the networking system.

As in claim 13, Faigon discloses and apparatus as recited in claim 12, wherein the fault communication report device is a display console (display console selected from the group also comprising: a pager, an email server, and a telephone) (column 3: lines 3-7).

Regarding claim 14, Faigon discloses the apparatus for automatically reporting detected network faults above. However, Faigon does not specifically disclose the type of distributed communication network, besides as being for large network systems, which should not be limited therein (column 20: 42-54).

It would have been obvious to a person skilled in the art at the time the invention was made to implement Faigon's system on a ToL network. It would have been obvious because ToL networks can be a large network system, for which Faigon's system was intended. A person skilled in the art would have understood that implementing Faigon's system on a ToL network does not deviate from the intended scope of the invention.

As in claim 15, Faigon discloses an apparatus as recited in claim 10, further comprising:

A monitor device coupled to the fault detector arranged to monitor the communication network for an out of compliance network operating event (column 6: lines 36-38 and line 65-column 7: line 1), the monitor device generates a fault signal (trap) when the monitor device detects the out of compliance network operating event (detection of a certain condition) (column 6: lines 36-38 and line 65-column 7: line 1); (The result of the detection of "certain conditions" is a fault event. It is therefore implied that the "certain condition" is an out of compliance network event.), and wherein the monitor device forwards the fault signal to the fault detector (Network Monitoring Station) (column 6: lines 36-38).

As in claim 16, Faigon discloses the method as recited in claim 16, wherein the fault analyzer:

Determines whether or not the out of compliance event is included in a reportable fault list and designating the event as the reportable fault when the event is determined to be included in the reportable fault list (column 2: line 64-column 3: line 3 and column 3:

lines 50-58). (If the fault events match the fault rules then the fault events are included in the fault rules list. If the criteria match, a fault report is generating since the fault is designated as reportable.)

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (703) 305-8010. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD



**SCOTT BADERMAN**  
**PRIMARY EXAMINER**